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HASTINGS LAW NEWS

IF THERE IS TO BE A HASTINGS COMMUNITY, THE STUDENTS MUST HAVE A VOICE

Hastings Falls To 40 Bar Passage Study Complete

Dean Defends Ranking; States Plan To Raise Numbers

by Michael Dundas, 2L

On Friday, April 5, 2002, *U.S. News & World Report* first released its annual graduate school rankings over the Internet. Hastings was 40th on the list of accredited law schools, tied with the University of Arizona and the University of Colorado—Boulder. Hastings has dropped four spots from its 2001 ranking. In an official statement to the school, Dean Kane explained "we remain in what the magazine designates as the top tier and basically in the same cluster of schools we have been ranked with for the last few years."

Dean Kane says that drops in two categories (financial resources and placement success) primarily caused this year's lower ranking. Hastings is ranked 131 out of 180 in financial resources and ranked last of the top fifty schools in at graduation placement. Revenue generated is a large part of the financial resources category, which gives public schools a

perennial disadvantage because they do not charge as much as privates for

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By Staci Homrig, 1L

In its quest to raise Hastings' Bar passage rate to a steady 85 percent, the

school will implement a new, tough-love policy next year. 1Ls who don't earn better than a C average will simply be asked to leave.

"First year grades are the most significant and reliable predictor of performance on the Bar," said Professor Brian Gray, chairman of the Academic Standards Committee, which proposed the new policy. "Intervention at the conclusion of the students' first year of studies is the fairest and most effective way of improving our graduates' collective performance on the California Bar Examination."

After Hastings' Bar passage rate dipped to 79.2 and 81 percent in 1999 and 2000 respectively, the Dean and Board of Directors ordered an investigation into how the passage rate could be improved. One year and \$55,000 later, Hastings had its answer: the best way to increase Hastings' Bar passage rate is to get rid of the students most likely to fail.

According to the study commissioned by Hastings, a student whose GPA is below 2.0 at the end of his first year is

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Year - Ranking
1999 - 29
2000 - 32
2001 - 36
2002
40

Parking Garage Final EIR Goes To Board For Certification

by Michael Dundas, 2L

On April 23, 2002, the Hastings Board of Directors will hold a special board meeting to determine the fate of the proposed parking garage project. The meeting will allow the Board to review and certify the Final Environmental Impact Report (FEIR) for the parking garage and Tower

upgrade. The proposed project has drawn statewide media attention as well as criticism from various students, professors, alumni, and local neighborhood groups.

As first reported in the *Law News*, Hastings began working on plans to build the garage about two years ago. The proposed parking structure would replace the existing surface parking lot and would contain approximately 885 spaces (511 standard spaces, 358 compact spaces, 16 handicapped spaces) and six motorcycle spaces. The two underground levels would be used for parking and storage for the school and other state agencies. The street level would contain parking spaces, garage access and approximately 7,200 square feet of retail space, including a new Hastings Bookstore. This level would also contain 35

bicycle lockers and restrooms with shower facilities. The floors above street level would all contain parking. Currently, the total cost of the project is expected to be \$22,883,000.

The controversy over this piece of property started over thirteen years ago. When Hastings purchased the parking site in the 1970s, two residential hotels (the Eureka and the Philadelphia) occupied the property. The hotels provided 85 housing units combined. The units sat vacant from 1978 until the Loma Prieta earthquake in 1989. The college demolished the buildings because of earthquake damage.

On January 16, 2002, Hastings published the Draft EIR, which was followed by a public hearing on March 6. The hearing included a number of public comments on issues of land use, traffic, air quality,

noise, EIR adequacy, and alternative proposals for the property.

Lawrence Li, a program assistant at the Tenderloin AIDS Resource force should consider a housing alternative. The California Court of Appeal for the First Appellate District weighed in on the other side by extending support for the plan. A number of people making public comments on the DEIR noted that Hastings' educational mission does not include parking operation.

Randy Shaw, a 1982 Hastings alum and director of the Tenderloin Housing Clinic, along with representatives from Network Ministries, Tenderloin Neighborhood Development Corp., St. Anthony's Foundation, California Futures Network, Central City SRO and other groups, have

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HPILF Awards 15 Summer Grants to Hastings Students

by Mieke Eoyang, 3L

The Hastings Public Interest Law Foundation (HPILF), awarded \$23,000 in grants to fifteen Hastings students to pursue a public interest project over the summer. The projects dealt with environmental, criminal and social policy. Last year, HPILF could only provide funding to nine Hastings students.

One student received a grant to help block construction of a power plant on Potrero Hill. The student will prepare witnesses for an Environmental Impact Review (EIR) statement and help Communities for a Better Environment prepare comments for the draft EIR. Several students are doing work on domestic violence outreach. Another student will help parents and schools implement a statewide initiative to require schools to infuse their subject matter with gay-friendly role models. A number of students will work on prisoners' rights issues, including helping inmates protect their parental rights, and helping prisoners transition to SSI benefits upon release from prison so as prevent further criminal acts by former inmates.

Andrew Taylor, a 2L, received a grant to work with the Center Race,

Poverty and the Environment. He is developing a resource manual neighborhoods gather evidence of environmental violations so that they can file suit against corporate polluters under citizen-suit statutes. As part of his project, he will work for five weeks at the Center's office in Delano, CA—a small town in the Central Valley, where the United Farm Workers were founded. He was particularly drawn to this project because the community asserts its own rights and learns to take care of itself. Professor Luke Coles suggested the project to Taylor, a student in his statutory law class.

Recipients of the grants, which ranged from \$1,500 to \$2,500, pledged to notify HPILF if they received more than \$1,000 from another source. If so, the recipient is bound to return the money. "The purpose is not to make people rich, but to fund as many projects as possible," said HPILF co-chair Ellen Fred. If a student does not use the grant, HPILF selected two alternate students whose projects will be funded. In addition, all grant recipients have pledged to perform a minimum of five hours of service to HPILF before the end of the year or they forfeit their grant.

HPILF received 35 applications for grants this year, but was

unable to fund every request.

HPILF's selection criteria were based on feasibility, community need, and the applicant's dedication to public interest. "We're trying to help people find a career in public interest," Fred said. HPILF also looked carefully at the structure and timeline of the proposals to gauge how much thought the applicant had put into the project. The applicants had to propose a specific project that went beyond performing general support to a public interest or advocacy group. "We don't want to fund people taking on the organization's role," explained Fred.

HPILF raised \$22,000 in grant money at its Tenth Annual Auction on January 24th. The event, a highlight of the Hastings social season, was kicked off at beer-on-the-beach complete with a steel drum band. The event moved in to the Louis B. Mayer Lounge, which was covered in blue paper, and strung with lights to complement HPILF's "Under the Sea" theme. Members of HPILF were festively attired in Hawaiian shirts and leis. Guests dined on middle-eastern cuisine provided by Blue Front Café.

The silent auction items included package vacations around the bay area, signed copies of California's "Domestic Partner Benefits Expansion Act," yoga lessons, A's tickets and gift certificates to local restaurants. Many students donated their time, agreeing to baby-sit, gift wrap, or clean. Other students offered language lessons in Chinese, Japanese, or Spanish.

The live auction was hampered

by a shortage of beer after the event began. The bidding was lackluster during the first slate, forcing Professor Reuel Schiller to get down on his knees repeatedly and beg the audience to continue bidding. However, despite the small attendance, the participants who remained bid ferociously. Three cartels of students bid intensely for dinner at the home of Professor Vikram Amar and his wife, which eventually sold for \$675. The bidding for dinner with Professor Radhika Rao, which eventually sold for \$1,000, drew gasps from the audience. The final item of the night, the Seventh Annual Hastings Poker Tournament with Professor Park, sold for \$1,000 as well, though the auctioneer, Professor Little, exceeded his authority by promising two different groups of bidders their own separate poker tournaments. Professor Park agreed and hosted the tournaments. Rob Black, a 3L, won the first tournament, earning him a \$25 prize.

Professor Boswell also donated a percentage of the proceeds from his photographic exposition to HPILF, allowing them to fund additional students. HPILF honored Professor Boswell at its "Celebrating the Struggle" reception on Monday, April 15th.

HPILF is a non-profit corporation run by current Hastings students, dedicated to educating public interest lawyers. HPILF sponsors various social and educational events on campus to encourage public interest.

Hastings Law News

If there is to be a Hastings community, the students must have a voice.

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From Dialogue Comes Truth

2002 HPILF Grant Recipients

Barbi Appleguist

Kate Benoit

Sara Cable

Christine Chestnut

Monica Destefano

Sally Espinoza

Moir Feeney

Brooke Heymach

Brian Lambert

Ajai Mathew

Matt Savinar

Andrew Taylor

Hongvilay Thongsamouth

Nasha Vida

ASUCH Election Results In Controversy

Counsel Certifies Election After Three Hour Meeting; Siroka Is President

by Sarah Petersman, 2L

Despite some vocal criticism of the election process, on April 17, 2002 ASUCH members voted overwhelmingly in favor of certifying the results of the recent ASUCH election. Whether to certify the 2002 ASUCH election results was the most hotly contested item at the April 17 meeting. Pursuant to the certification, Mathew Siroka, currently, 1L, was announced the official winner of the ASUCH presidency. Brad Marsh, 2L, one of the five presidential candidates, argued that the Election Commit-

tee had misinterpreted the Hastings Constitution such that a candidate lacking the majority of votes was announced the winner.

Article 4, Section 4 of the Hastings Constitution provides for instant runoff elections: "If not candidate is elected by a simple majority, the candidate with the least number of first preference ballots is eliminated and his/her ballots are redistributed to the candidates ranked next on those ballots. This process of elimination of the candidate with the lowest count and redistribution to the remaining candidates is continued until

one candidate receives a majority count of ballots." Despite language on the ballot directing students to rank their votes, not all voters ranked their preferences.

The instant runoff counting had to be carried to five rounds before Siroka was deemed to carry a majority of the votes. Marsh's criticism of the election results was twofold; he argued that the Election Committee misinterpreted the Hastings Constitution and that the alleged problems with the 2002 election were so similar to the 2001 election, which resulted in a run-off election, that a runoff election was again in order.

In arguing that the Constitution was misinterpreted, Marsh cited Article 4, Section 4, which states that the instant runoff process redistributes votes to the "candidates" ranked next on the ballots. Marsh highlighted the fact that the Constitution refers to "candidates" in the plural, and argued that use of the plural means that the instant runoff process should end when two candidates remain, and if neither of those two candidates has a majority of the votes, then a runoff should ensue. Marsh's example of the

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Spring Break 2002: Hastings Goes To Haiti

by Moira Feeney, 1L, Constance Kim, 2L, and Julie Ward, 2L

Upon arrival at the airport in Port-au-Prince, everyone on the plane erupted in clapping in apparent thanks to God for their safe landing. When we stepped off the plane, we felt the heat and thick burning air of Haiti coat our faces. It was a prescient symbol of what was to come—power blackouts, sweltering heat, sweat drenched clothes, burning piles of trash on the sides of the road, pristine gas stations alongside open market hovels. The reliable electricity allowing for a climate-controlled flight seemed suddenly very bizarre.

We passed through winding streets in various stages of disrepair spotted with colorful Tap-Taps, Haiti's form of public transportation, otherwise known as Haiti's mobile art gallery. Their wooden sides were elaborately carved and brightly painted, and over each windshield was a motto, usually religious, spelled out in carnival lettering: L'AMOUR DE DIEU, DON DE DIEU, or LA JOIE ETERNELLE.

Our delegation of students and professors spent two days in Port-au-Prince, the capital of Haiti, at the Antwan Izemery Center for Human Rights. Antwan Izemery, an activist who advocated for a democratic and constitutional Haiti, was executed in front of the church where he was attending mass by forces opposed to changing the political status quo.

Our first night, George

Werleigh, professor of agro-economics at the state law school in Port-au-Prince and husband of Haiti's former Prime Minister, spoke to us about Haitian history and the current political and economic obstacles. He also discussed hopeful signs of progress such as the agricultural exchange program with Cuban agronomists who

lives over the past 15 years fighting for economic justice and political freedom. At each stop, we sang a Creole prayer in respect to the martyrs and epochal events that occurred there. We also drove through the open-air marketplace that competes with the fledgling formal market, stopped by the National Parliament with its rows of

Director of *Chans Alternatif*, a group that works with Haitian nationals who have been deported from the U.S. and are indefinitely incarcerated in Haiti as criminal deportees. That evening, Lovinsky Pierre-Antoine came to speak about the current political situation in Haiti and the *Fondasyon 30 Septanm*, a grassroots organization of victims of the 1991 *coup d'état*. He leads a demonstration every Wednesday in front of the National Palace demanding impunity in Haiti.

The shock of landing on one air strip in Port-au-Prince was nothing compared to the unpaved, rocky land strip in Jérémie, a town in southwestern Haiti. Jérémie, the city of poets, is home to the law school, *École Supérieure Catholique de Droit de Jérémie* (ESCDROJ), that hosted us for the week. Like a bolt of lightning Father Jomanas, the Director of ESCDROJ, burst upon us at the airport with such verve and energy that the whole group was immediately energized.

Despite the poor roads, the drive from the airport to Jérémie was surprisingly pleasant under the canopy of palm tree fronds, with the picturesque view of the dazzling ocean below to the left, and smiling faces and waving hands greeting us on either side of the road. During the next four days, we spent the afternoons exploring Jérémie and team-lectured every evening on areas of law covering immigration and refugees, international

See Haiti.....Page 4



Photo courtesy of Hastings to Haiti

were sharing their farming techniques to effectively implement in the massively deforested Haitian landscape. That night we fell asleep to the clanging of the *Ra-Ra* bands that roam through the streets until Easter, the howling winds presaging rain, and the buzz of hungry mosquitoes outside the net covering our beds.

The following day, we all crammed into a colorfully decorated van for a tour of the sites where hundreds of Haitians have lost their

tattered foreign flags flapping in the wind, observed the water's edge from where many Haitian boat people have departed in search of safety and freedom during the years of dictatorship (ironically right in front of the U.S. Embassy), and made an ice-cream vendor very happy when we bought almost his entire stock to cool ourselves from the sweltering heat. Later that day, we met with Michelle Karshan, the American foreign press secretary to President Aristide and

How To Make The Most Out Of Your Summer Job

by Sari Zimmerman

Your summer job can be an exhilarating experience. The purpose of this article is to arm you with practical tips to make the best impression during your summer. An important note: The Career Services staff is here throughout the summer and available to help with any of the following issues.

Tips for a successful summer:

1. There is no such thing as a rough draft. Although many attorneys will ask for a "draft," always put your best foot forward. Sure, they might make revisions to any document you give them, but make sure the document you have turned in reflects the best of your abilities.

2. If you are a summer associate at a firm, your interview continues throughout the summer. The firm is glad to have you, but the staff will continue to evaluate your professional and personal demeanor throughout the summer. This review extends to social functions. Try to go to the majority of functions by yourself as opposed to taking a date, so that the attorneys can get to know you. Some of the events might not seem like the most enjoyable way to spend your precious free time, but try to attend as many as possible. Never feel pressure to drink if you are a teetotaler.

3. You will also find it quite common for attorneys to come up to you in the office and ask how your summer is going.

Be positive and upbeat. Let them know that you enjoy your work and your contacts with the attorneys there. Your enthusiasm will be contagious and will be remembered when the hiring committee is sitting down at the end of the summer to consider offers of permanent employment.

4. Get to know the attorneys who do the type of work that interests you early on in the summer. Express interest in working for them or on their projects, ask them about opportunities to tag-along or accompany them to court appearances. Even if one staff member coordinates summer work assignments, getting to know attorneys in your area of interest can position you for the future. If you are supposed to report to one source, such as the recruitment coordinator, for your

assignments, see if the attorneys you hope to work for can route your assignment through that person. Some employers match their summer clerks with permanent associate "mentors" who are responsible for arranging lunches with other attorneys in the office. If you have a mentor, tell him/her that you are interested in meeting with attorneys in a particular practice area.

5. Ask for feedback rather than relying on others to get it for you. Summer clerk evaluations often fall to the bottom of an attorney's work pile. Don't wait until your mid-summer or end of summer review to find out that someone was dissatisfied with your work. After completing every assignment, ask to

Haiti.....From Page 3

trade and business, the environment, and labor and employment. Most of the ESCDROJ law students work full-time during the day as police officers, teachers, public functionaries, pharmacists, or business owners. All of us put aside our legal egos and focused on sharing our knowledge with the Haitian students. We also learned from the students the challenges they face as future lawyers in a transitioning democracy.

While in Jérémie, we also had the opportunity to meet the deputy police commissioner who informed us of the difficulty in disseminating the laws to the people and eradicating the misconceptions the public has of the role of the police. When the public sees a police officer hand-cuffing somebody and taking him away in a car, they expect never to see that person again. They regard such police activities as comparable to the blatant actions of the former military leaders. We also visited a pre-school run by one of the female law students and her mother—an inspiring and dazzling array of smiling faces. In addition, the local prosecutor gave us a tour of the courthouse while court was in session.

On our last day, the 16 of us piled into the back of a rickety truck to hit the beach, a true paradise on earth. Before leaving Haiti, we were fortunate enough to watch *Ochan*, a performance by Haitian women who were raped, kidnapped, and traumatized by the disappearances of their

loved ones during the coup period. The minimalist dance movements, melodic lamentations, beating of the drums, and dimly lit stage set the tone for the tragic portrayal of their disrupted lives. Yet they were simultaneously reaffirming their lives in speaking out against this violence perpetrated against them, and uniting together to forge ahead and shape their new roles in an evolving Haitian

Demik, Moira Feeney, Hillary Gross, Lenny Huang, Katie Hogan, Connie Kim, Chris Nolan, Paul Sachelieri, Sarah Schroeder, Julie Ward, Daniel Wasson, Nicholas Wellington, and Lisa Williams). As a new club on campus and as part of an independent study curriculum, HHP anticipates establishing an annual delegation of approximately 16 Hastings faculty and students to go to ESCDROJ during

rights clinic that would work in conjunction with the human rights legal work being done in Haiti by international and Haitian human rights attorneys. Our plans also include establishing a satellite internet connection for the law school in Jérémie so that students will have access to online legal research material.

While the rest of us returned to San Francisco, Julie Ward remained in Miami to work with Haitian refugees who have been detained pending a determination of their asylum cases by an immigration judge. In December 2001, over 250 Haitians arrived in Miami after a difficult nine-days at sea, fleeing their persecutors in Haiti. Not coincidentally, the INS decided at this time to institute a policy of mandatory detention of all Haitian refugees, irrespective of any determination of their flight risk or possible danger to society. As a result of this policy, even Haitians who had been granted asylum or were being indefinitely detained, some in maximum security prisons. Thus, there is still much work to be done.



Photo courtesy of Hastings to Haiti

society.

The Hastings-to-Haiti Partnership (HHP) developed from contacts made with the Bay Area Haitian community by Professors Richard Boswell and Karen Musalo as well as the pioneering student, Sarah Schroeder (3L). This Spring Break 2002, the delegation included both Professors Boswell and Musalo and 14 students (Carlos Campos, Stephen

Spring Break.

From these exchanges, we hope to help strengthen the rule of law in Haiti while also broadening the perspective and understanding of Hastings students on development and international law through the Haitian prism. The HHP will not solely be limited to the Spring Break delegations, but we envisage expanding the program to possibly include a human

Upon return, with memories of new friends and new adventures, we asked ourselves what impact a bunch of law students could have in one week. Would our resources have been better used for local projects? It is true that there are forces beyond our control that may hinder our efforts at helping strengthen the rule of law in Haiti? But, we think like many before us, once you have Haiti under your skin, it is difficult to get it out.

U.S. News #1 1997-2002		N/R = Not Reported by U.S. News that year. T = Tied.				
Year	Overall Rank	Academic Rank	Practicing Rank	LSAT	GPA	
1997	2nd Tier	T24	T18	160 (med.)	N/R	
1998	41	T24	T16	158-165	N/R	
1999	29	T24	T19	159-164	3.1-3.6	
2000	T32	T24	T17	158-163	3.12-3.59	
2001	T36	T23	T18	158-163	3.15-3.62	
2002	T40	T25	T18	159-164	3.26-3.67	
Year	Accept Rate	Stu/Fac Ratio	School Bar Pass Rate	State Bar Pass Rate	Employ At Grad	Employ 9 mos. Out
1997	N/R	N/R	79.2%	73%	N/R	78%
1998	35.5%	N/R	80.1%	67%	N/R	89%
1999	30.5%	20	90.4%	71%	58%	94%
2000	33.5%	19.5	87.0%	63%	57%	96%
2001	31.8%	20.5	78.3%	61%	61%	95%
2002	31.2%	20.6	79.7%	64%	54.3%	93.4%

Bar Pass.....From Page 1

tuition. The Dean says the parking lot project will help our financial resources number by guaranteeing a stream of revenue.

The school also dropped two places in the academic reputation category, which accounts for 25% of the *U.S. News* ranking formula. The Dean notes that the school will continue to market itself to other schools in an effort to bring the academic reputation ranking back up. While the bar passage rate was higher than last year, Hastings is still ranked 47 out of the top 50 schools.

In an interview with the *Law News*, Dean Kane said, "where the rankings probably has the greatest impact is on people deciding where to go to law school and that concerns me. We are, after all, a society that likes to box and quantify things." Many people feel the same way and note that it is impossible to reduce the intangible aspects of a law school education into a linear ranking.

As such, the annual *U.S. News* rankings always come with substantial criticism. People complain that the annual rankings rely too much on subjective opinion and standardized testing. Even the *U.S. News* editors note "the data can never substitute for

an in-depth examination of the scope and breadth of the program."

Nonetheless, changes in a school's *U.S. News* & *World Report* ranking can affect that school's admission statistics, according to a recent study by Cornell Professor Ronald G. Ehrenberg and James Monks of the Consortium on Financing Higher Education. "We found that if you improve in the rankings you will see more students apply, a smaller fraction admitted and a higher yield from the students accepted," Ehrenberg said.

The American Association of Law Schools (of which Dean Kane is the immediate past President) has also conducted a study of the rankings. The AALS study noted many serious problems with the *U.S. News* system for evaluating law schools. The problems expressed by the report include concerns about: important aspects of law school quality that are not assessed by *U.S. News*; the accuracy of the data *U.S. News* used to create the index values (such as obvious errors in the computation of bar passage rate and failure to control for regional cost of living differences); and the use of variables that could lead to inappropriate school practices (such as schools raising their 'rejection rate' index by encouraging students who have virtually no chance of being admitted).

The AALS has submitted a formal report to the *U.S. News* about the statistical inaccuracies but nothing has come of it.

The linear ranking system has led some schools to enact policies and programs with the specific purpose of raising the schools rankings. This has created a national alliance of student groups called the Forget *U.S. News* Coalition ("FUNC"). Several student government organizations across the country that passed resolutions condemning *U.S. News'* formulas are asking their college administrations to withhold data requested by the magazine.

FUNC, which includes such universities as Yale, Princeton, Harvard, MIT, Duke and the University of California at Berkeley, was created at Stanford University a few years ago by students who noticed that their university's administration was implementing some policies for the sole purpose of improving their *U.S. News* ranking. The founder of FUNC believes the rankings to be "arbitrary, bordering on irresponsible, subjective and often misleading, while unfortunately being taken as dogma by many prospective college applicants, employers and parents." So far, graduate schools of dentistry have been the only institutions that have effectively orga-

nized and subsequently refused to submit data. The *U.S. News* stopped ranking dentistry schools in 1994.

Like other institutions of higher learning, Hastings has begun to implement plans to raise its ranking. The school is in the process of hiring more full time faculty and visiting professors in an attempt to reduce the student/faculty ratio (Hastings and Fordham are the only two schools in the top fifty with a student/faculty ratio above twenty). The school is also going to reevaluate its alumni fundraising efforts to raise the money to finance these new plans, while simultaneously helping our financial resources ranking.

Hastings will continue to hire a full time job developer specifically for the third year class in an effort to help raise the placement numbers. Some students, however, question why the school does not offer research positions to unemployed students prior to graduation. They believe that the research positions will help defray their costs after graduation and help rise the at graduation placement numbers.

"We are in the Bay Area. This is a very tight market, but some of the other schools are in the Bay Area and they seem to do a better job than we do. We are going to have to take a serious look to see what new plans can help us in the future." (Dean Kane)

Arts & Entertainment

The SF Ballet Sparkles with *Jewels*

by Brooke Goolsby, 2L

Ever since I got the gig as Arts and Entertainment Editor, all I looked forward to was seeing the Ballet. And this month, I found the time to enjoy a Sunday afternoon at the ballet. After a year of waiting, the San Francisco Ballet's performance of *Jewels* did not disappoint.

Jewels, choreographed by George Balanchine, is not the typical ballet with a cast of characters and a story to tell. Instead, it is a ballet in three independent plotless parts - 'Emeralds', 'Rubies', and 'Diamonds' (hence the title).

Each part is performed by different casts and set to music by different composers. Additionally, each part can also be performed without the other segments; in fact 'Rubies' has been a part of the Ballet's repertoire since 1987.

Balanchine created the ballet after a visit to the jeweler Van Cleef & Arpels, and it premiered in New York in 1967. What

is amazing about the ballet is that it works. In my opinion, three independent ballets representing precious stones just does not translate well on paper. But on the stage, the premise makes perfect sense. If a diamond

could really dance, I think it would look like *Jewels*.

The three ballets are independent because each is choreographed in different styles in order to evoke a

different theme. To quote the program, "'Diamonds' is white purity, transcendence. 'Rubies' is red-hot physicality and jazzy syncopation. And the movement in 'Emeralds' is like flowing in sea water." Each ballet was wonderfully performed; the ballerinas were all leg while the men were, well, all leg muscle. Yuan Yuan Tan, the principle in 'Diamonds', was especially great. My least favorite was 'Emeralds', but that might have been because we were late and had to stand in the back for the entire ballet.

Unfortunately, *Jewels* has come and gone, but there are still two more programs, including *Giselle*, running through May 12. For tickets and information call 415-553-4627 or go online at www.sfballet.org.

A little known fact: If you are into cheesy teen/dance movies, you might want to know that the actress from *Center Stage*, Amanda Schull, is actually a part of the San Francisco Ballet Corps de Ballet. She danced in 'Emeralds', but I only recognized her from the program.



Photo courtesy of the San Francisco Ballet.

Brush with the Law Is Debauchery with a Heart

by Brooke Goolsby, 2L

When Ed. offered to buy a copy of *Brush with the Law* for me to review, I did not know what the book was about. But I thought it might be nice to read a non-law book for a change.

Now granted, it was a book about law school and technically, I did read it for the *Law News*, but there were no opinions to read and lots of drugs, gambling and sex — so it goes in the category of non-law book.

I remembered getting an orange flyer in my SIC folder a few months ago, but I barely glanced at it. I thought I remembered something about a comparison with Scott Turow's *One L*.

So I sat down to be bored by yet another book in the *One L* experience: read, freak out, read, read, drink, read, drink, freak out, read, drink, read, nervous breakdown, outline, outline, outline, outline, take finals, drink. Freak out.

I opened the book and begin to read. "Dumb people do go to Harvard Law School," is the first sentence of the book. Catchy first sentence and if you don't go to Harvard Law School, it automatically gives you a sense of validation and solidarity with the author because, who doesn't know that fact? I re-checked the promos and learned that *Brush* is billed as the antithesis of *One L*.

So here is the premise of the book: two guys (Jamie and Robert) start law school at the same time (1995) at top law schools (Harvard and Stanford). Neither has a typical experience (at least from my point of view) but both end up at the same law firm (mainly because there is no dress code) in Los Angeles after their second year. They go on to work at that same law firm after graduation, realize their respective stories share common characters, and decide to write a book about it.

Each chapter switches back and forth from Harvard to Stanford, touching

upon the respective authors' trials and tribulations during law school. Some highlights include: a man named Kankos drinks his own urine at Harvard, a Halloween orgy at Stanford, "The System" - a fail-safe way to get A's and B's without ever going to class, a serious gambling problem that is not to be outdone by an even bigger drug problem. Oh, and no one goes to class.

There is much more to tell, but I do not want to spoil it for those who want to read it...and I highly recommend that you do. It is well written most of the time, with Robert winning in both the writing and shock-factor competitions. It is funny all of the time, but it is still able to maintain some poignant moments.

Despite the drugs, sex, and rock and roll theme, the book boils down to two men searching for meaning in their lives. After hitting rock bottom, one finds it in love; the other finds it in his friends. Not all that original, but when mixed with the law school backdrop and

the unbelievable tales, it makes for a compelling read.

To Believe or not to Believe? After the first few chapters, I couldn't decide if the stories were true or not. A part of me still won't be surprised if in three years, Robert and Jaime are exposed for making it all up.

But an Amazon.com reviewer claimed to know both of the authors (started at Stanford, transferred to Harvard) and testified to the orgy and the firm in Los Angeles (Quinn Emmanuel - if you are interested in the no dress code). And if the authors didn't go to class, they definitely paid attention during Barbi. I could have done without the explanation of what an intentional tort is, or the Emanuel's definition of *Mens Rea*.

The bottom line: I wouldn't want either of these authors to be my lawyer, and if I were a hiring partner, I certainly would never want to introduce them to by biggest clients...but I wouldn't mind if they wrote more books.

"Taste"

by Alex Seod, 2L

This month TASTE brings you an introduction to one of the finest summer wines available—Zinfandel. Pronounced "ZINN-fan-dell" this red grape is known for its peppery flavor and its cherry and dark berry fruits. Most of all, this wine is known for its "zip." Essentially the Zinfandel grape is so distinctive that its characteristics are usually referred to simply as "zinky-ness." Basically, if you take a look at a darkish red wine that doesn't appear thick in the glass, and you smell scents of cherry and dark ripe fruits, you may be looking at a Zin. The taste should reveal the unmistakable fruit, sour mouthfeel and intense astringency and peppery "zip" that can be nothing but a Zinfandel.

First, a history lesson: Zinfandel has a uniquely Californian story. Although it is either a variant of the Italian Primitivo grape (or possibly that grape renamed), or a variant of Plavac Mali grape of Croatia, Zinfandel is California success story. Although currently we think of Californian reds as being Cabernet wines, the Zin has a storied history here. The gold rush of 1849 prompted a demand for three things—timber, wire-tine and alcohol. The Zinfandel grape was a perfect fit. Its vines have a unique ability to grow in a method that does not require either timber or wire for support. Called Head Pruning or Head-Training, the Zin can be grown on self-supporting vines that hang no more than three feet from the earth. If you see any of these unsupported vines in California, chances are you're looking at

a Zinfandel plantation. In fact some of California's oldest vines are actually Zinfandel—such as the central-valley's Lodi old vines. Some of these are over 100 years old. The gold rush's demand was satisfied by the Zinfandel grape's ability to grow in this method, for producers could grow a harvest without paying for wire or timber, thereby creating a low cost flavorful wine for prospectors and sophisticated alike.

Currently Mendocino County is home to a large proportion of the Zinfandel grapes in California, but there are other regions that also house the grape. Sonoma, for instance, produces some exceptionally high quality Zinfandels, which are true examples of what this grape can do. These wines exhibit all the characteristics of the grape and elevate it, through careful processing, into long aging, structured wines characterized by the cherry and wild fruits, but exhibiting more complex florals and subtle plums and boysenberries. In the Russian River valley, producers are creating a strongly vanilla scented Zin which can be consumed where traditionally you would match something a little more structured such as a Cabernet.

There is really no way to mistake the flavor and structure of a Zinfandel wine. Growers usually try to emphasize the more appealing characteristics of this grape by designing more ripened, higher tannic vintages. The grape is temperamental to grow. Each grape in a bunch will develop at different speeds. In order to ensure more ripe grapes per bunch, producers carefully monitor the vines and attempt to leave them on the vine for as long as possible. This furthers the ripeness

of the grapes, which leads to higher sugars and stronger skins, giving the wine a more tannic structure. This process also allows for the fruit flavors to develop a degree of astringency.

The ripening of these grapes emphasizes what are otherwise less strong flavors—the subtle plums, wild boysenberry and other wild fruits. The vinification process is varied past the ripening stage, but the better wines will seek to reveal more of the grape's subtleties. Zinfandel is capable of having notes of tar and rich earth as well as intense spice flavors. The better bottlings reveal these flavors in a complementary fashion. The lesser bottlings show mostly the intense pepper that Zin is known for as well as the ripe raspberry and cherry flavors.

Zinfandel is really a wine of "terroir." Climate and soil have a huge effect on the grape. Different regions reveal different flavors in the grape. In fact, the grape can produce such varieties of flavors that Ann Noble of UC Davis was commissioned by the Zinfandel Advocates & Producers to develop a method of charting the flavors. Thus, the Zinfandel Aroma Wheel was born. Through this wheel, you can identify a simple flavor and the wheel helps to further distinguish what specific flavors you might be tasting. Woolly could lead to "sagebrush." Floral could lead to roses or violet petals.

No matter the quality of the bottling, the Zinfandel grape is a perfect summer wine. The spicy flavors are great compliments to BBQ, backyard burgers, ribs dripping with BBQ sauce or traditional grilled steaks and especially lamb or whatever else might be going on the grill.

For those vegetarians out there, this wine is a definite must have. The wine is not so structured that it overpowers the more delicate vegetarian staples, yet possesses enough robustness to help give shape to the meal and correct any lack of texture. A requirement for grilled summer vegetables and anything with eggplant. This wine's pleasant flavors and "party feel" make it a great pre-evening wine as well, because Zinfandel isn't so heavy that your mouth will remain coated from the tannins, and it is light enough to wash away from after a glass or two. Do you have a sweet tooth? There is nothing better than dark chocolate cake or particularly a flourless chocolate cake and a glass of Zinfandel. In short, this wine is a real "gusher" for the summer months.

Try out these great Zins from CA
Rancho Zibaco, Zinfandel. Rancho Zibaco bottlings are available from the Dry Creek, Heritage Vine, Dancing Bull estates. These wines are produced by Gallo of Sonoma and are all great wines at around 10 dollars. The Dry Creek is the cheapest at 9 dollars and was given 92 points by Wine Spectator. **Sergio 2000 Zinfandel.** From Sonoma, this wine is definitely a premium and retails for around 16 dollars. Wine Spectator gave this bottling an 88, but it is a 90. **Ridge, Lyton Springs, Zinfandel.** This is one of the best values made by Ridge of Santa Cruz, the perennial winner of countless awards for its Geyersville and Monte Bello Cabs. The Lyton Springs Zinfandel should cost around 24. But it is well worth it as it shows of the complexity that this wine can achieve and the longevity that can be achieved with careful production.

April/May Events Calendar

American Conservatory Theater Now-04/28 "The Glass Menagerie." Tennessee Williams's haunting classic will change the landscape of world theater again with the production directed by Laird Williamson. 04/21 "Comedy Night at the Geary." Comedians Will Durst and Greg Fitzsimmons star in the shows. 05/09-06/09 "The Mother, Vassa Zhelezova." An infanticide, forgery, murder, blackmail, adultery, exile and plain old-fashioned greed play in this 1909 episode of a society in economic turmoil 05/12-06/09 "For the Pleasure of Seeing Her Again." An acclaimed comedy about the complex and moving relationship between a mother and son, directed by Cary Perloff. 04/22 "For the Pleasure of Seeing Her Again." An autobiographical comedy by French-Canadian playwright Michel Tremblay about the complex and moving relationship between a mother and son. Located at 415 Geary Street. For information call (415) 749-2290.

San Francisco Ballet As America's oldest professional ballet company and on its 69th repertory season from January through May 2002, San Francisco Ballet continues to commission new works and exciting ballet performances with a total of 60 performances for the upcoming year. Call for ticket release date and schedule listings. April 23-28. Silver Ladders and Possokhov World Premiere—Sondheimer Ballet. May 3-12: Full-Length of Giselle. Performances at the War Memorial Opera House. Call (415) 865-2000 for information.

San Francisco Opera World-renowned company presents its 79th repertory season September through January, with additional performances in June and July. Evening performance times vary, matinees are noted. May 19 "Lain Lore: Music of South America and Cuba." New York Festival of Song's Steven Blier presents soprano Elizabeth Caballero, tenor Jeffrey Picón and baritone Armando Ganiá and featuring works by Lecuona, Guataño, Braga, Villa-Lobos and Lopez-Buñuelo. 5:30 p.m. Tickets can be purchased for \$40-\$150 or \$30 the day of the show. Performances at the War Memorial Opera House. Go to www.sfoopera.com or call (415) 864-3330 for more information.

Orpheum Theatre 04/07-04/19 "Sexoholic...A Love Story." Featuring John Leguizamo's new autobiographical one-man show with fourteen performances only. 04/15-05/09 "Les Misérables." Legendary Award-Winning musical production based on Victor Hugo's classic novel returns for four weeks. Call for performance schedules. 415-551-2075.

04/19/02, 6/23/02 **Berkeley Repertory Theatre** "Homebody/Kabul." An emotionally imprisoned but wildly intellectual English woman finds refuge and escape in the alternate world of Afghanistan, which she romanticizes with the help of a tourist guidebook. Located at 2025 Addison Street, Berkeley. For information call 510-647-2949.

5/09/02 **San Francisco Examiner Bay to Breakers Footrace** The world's largest footrace unfolds as more than 70,000 costume-clad runners push off at 8 a.m. The event includes music, food, and a dynamic post-race festival featuring headlining musical acts. From the Embarcadero to The Great Highway. For more information call 415-359-2707.

5/25/02, 5/26/02 **Carnaval San Francisco** San Francisco's version of Mardi Gras, and one of its largest annual public events features exotic carnival dancers with a mixture of latino, jazz, samba, Caribbean, and more. Located at Harrison Street, between 17th & 21st Streets. For more information call 415-920-0125.

Parking.....From Page 1

proposed a different plan for the site. Their proposal includes building a structure with two levels of parking and six levels of affordable housing.

Senate President Pro Tempore John Burton (D-San Francisco) has even chimed in, asking Hastings to "give very careful and serious consideration to an alternative of mixed housing and parking." In a letter to the Board of Directors, Burton noted "there is no more important issue confronting San Francisco than the shortage of housing." Other alternative proposals range from building housing and parking structures side-by-side to a building a supermarket to leaving the current parking lot untouched. A number of the public comments centered on the proposed alternatives. People tended to believe that the DEIR inadequately discussed alternatives to the parking garage. In its response to the alternatives, the FEIR states that no additional alternatives are needed to avoid the significant environmental effects of the project.

The FEIR notes that for a mixed-use alternative to be considered, it must be one that functions as a student housing facility. The FEIR did not consider an alternative that provides housing for the general public because "the provision of non-student public housing does not advance the College's educational mission and would preclude Hastings' control of the units."

According to the FEIR, the proposed student housing/parking garage alternative would run at a loss until 2017 and will not have a net annual cash flow of at least \$1,000,000 until 2030. The full garage would become profitable by 2005 and have a net annual cash flow of at least \$1,000,000 in 2018 and \$2,000,000 by 2027. While the alternate would be less expensive for the first three years, the proposed garage would have a positive cash flow difference of \$1,025,234 by the fourth year.

While noting that the mixed-use project may not produce the same revenue stream, a number of local groups are asking the school to recognize its role in the Tenderloin neighborhood by building much needed housing. "You can get your 250 parking spaces ... and you can build the equivalent of 165 two-bedroom apartments in different configurations. Everyone will be happy, and once and for all the stain

that has enveloped Hastings for the last 25 years will be erased," commented Shaw. "An alternative project that included housing would provide non-financial benefits over the long run for Hastings, including more residents invested in maintaining and improving that quality of life in the community, greater street level security especially at night times, and a physically more attractive asset than a parking garage."

Hastings students have also criticized the College for using a solely fiscal analysis. Students who spoke with the *Law News* noted that the Tenderloin is their neighborhood simply by attending school here. They were concerned to see people living on the streets around the school and asked the administration to look more closely at the mixed-use alternative. "There [are] plenty of people who need housing and I think the student population at Hastings, if we had been brought into this process earlier, would have voiced this concern earlier," said Nasha Vida, LL.

Along that line, the Hastings administration has been criticized for keeping students in the dark about the parking garage planning process. "I think a lot of students at Hastings genuinely want more parking, but I don't think that they are aware that there is a viable option," said Andrew Taylor, LL. "I think a lot of students feel that the parking garage is going to be built, so they don't see any purpose in questioning the assumptions and the garage in general."

In response to this criticism, Hastings CFO David Seward held a town-hall meeting with students to address the parking project. Approximately 50 students, staff and faculty members attended the meeting. While the students disagreed on the virtues of the parking garage, all were happy that the administration was finally taking the time to listen.

Even if the Board certifies the FEIR and green-lights the garage project, there is still another step in the process. Under CEQA guidelines, the Board must file a "Notice of Determination" to go ahead with the project. Outside groups then have 30 days to petition for a writ of mandate to compel the Board of Directors to set aside any resolution that certifies the environmental impact reports. Whether those groups opposed to the project will file suit remains to be seen.

The Board of Directors will meet to consider the FEIR at 9:00 AM on April 23, 2002, at the Hastings Alumni Reception Center. The meeting is open to the public.

Summer Job.....From Page 3

speak with the assigning attorney and express your eagerness to receive constructive comments. This will give you more time to make any necessary changes and will also reflect well on your professionalism.

6. Stay out of office politics. Avoid gossiping about anyone in or out of the office, whether they are support staff, attorneys, or fellow summer associates. Remember to be especially thoughtful to secretaries.

7. Communicate, communicate, communicate. You might be working with more than one attorney on a particular project. In the event you are working with a partner and an associate on a deal, make sure that the left hand knows what the right hand is directing. For example, a student was told by an associate not to complete a particular assignment given to her by a partner. The student did not confirm these instructions with the partner, who ended up faulting the student at the end of the summer for not completing the assignment. Avoid falling into a similar situation by verifying major instructions with the attorney who will be reviewing your work at the end of each project.

Questions to ask assigning attorneys:

1. "Do you want a written or oral response?" Some attorneys prefer written responses while others prefer a quick oral summary of your research results. If you are preparing an oral response be sure to keep accurate notes of your research and findings so you will be prepared later if asked to go back and prepare a piece of written work. Keep Xerox copies of relevant cases or statutes (perhaps with highlighting over pertinent passages) just in case you are asked for them during your oral response.

2. If asked to produce a specific piece of written work:

A. "Do you have a model or a sample of the contract/shareholders' agreement/cable franchise?" This will prevent you from reinventing the wheel if similar work has already been done and will show you the style of writing that the assigning attorney prefers.

B. "How long do you want it to be, 5 pages, 10 pages, etc.?"

C. "Who will be the audience for this document, just the supervising attorney, or the client, government officials, etc.?" This distinction is very important and will shape how much information you can presume the audience already has and what you need to spell out.

3. To demonstrate a sensitivity to any billing constraints on the project.

A. "How long do you think I should spend on this project?" The point of this question is to save you from spending twenty hours exhaustively researching the state of the law on a particular issue if the assigning attorney believes it should only be a two-hour assignment. Bear in mind, however, that most assignments will take longer than you think or were told!

B. "Can I go online to do my research?" This is really critical. Online research tools are the drugs of choice for most law students, but there is a hefty price tag associated with these services at most law firms.

4. "Are there any materials that you think I should start with first?" Sometimes the assigning attorney knows exactly where the answer is, but forgets to mention it or assumes that you already know. You could save yourself time by finding out up-front that there is a certain treatise on the subject or a case directly on point.

5. "When do you need to see/hear my findings, brief, etc.?" Be sure to get a clear picture from the assigning attorney when you need to report back. If the attorney responds with a euphemism (i.e. "put this on the front/back burner"/"I need it ASAP"/"soon," etc.) try to get the attorney to clarify.

To show that you understand the nature of the assignment and to avoid the embarrassing "but I thought this was what you wanted..." always confirm the nature of the assignment before you leave by summarizing the assignment back to the supervising attorney. "So what you want from me is a brief/client memorandum/contract summarizing the state of the law in California on land use/collateral estoppel/leveraged buyouts and you need this by next week/Monday/next week from Tuesday. Is this correct?"

Finally...good luck, be yourself, and have fun!

Bar Pass.....From Page 1
not likely to pass the California Bar Examination. In fact, his odds of passing the first time are less than 35 percent, and rise to only 55 percent on the second attempt.

Gray said that stark reality prompted the Academic Standards Committee to propose a change in Hastings' disqualification policy. Previously, only students who earned below a 1.8 were disqualified; the proposed cutoff is 2.0. The faculty is expected to approve the proposal April 26, along with some other changes in the academic regulations.

Student reaction to the proposed policy change was mixed. One worried that it would perpetuate Hastings' "cut-throat" reputation. Some applauded it. And others argued that a more student-friendly approach is in order.

"Historically, 2.0 is a passing grade. It's really not fair to make that the cutoff," said Robert Rhoads, a 2L. "I think it's a bad idea all the way around because it doesn't address the problem."

Rhoads also questioned whether disqualifying such a small number of students would really have an impact on the school's Bar passage rate. Based on previous years' statistics, the new policy will result in the disqualification of 10-20 students from a first-year class of about 400, Gray said. Comparatively, the old policy of disqualifying students below a 1.8 GPA resulted in about five students being asked to leave after their first year.

Erin Loback, a 2L who leads a discussion group for first-year students, applauded the policy to the extent that it might improve Hastings' reputation.

"We're a Tier I school and we should act like it," Loback said. "We need to draw the line on handholding somewhere."

Erik Fogel, a 3L, criticized the policy as a bad idea founded on a faulty premise.

"Who cares about a Bar passage rate anyway?" Fogel said. "It does not indicate the quality of a lawyer at all."

IL Shain Jilions questioned whether a student's poor performance during first year was the student's fault or the school's fault.

"The school is letting these people down by allowing them to stay here when they can't pass the Bar," Jilions said. "If you're not going to help them succeed, then why keep taking their money?"

Gray said the proposal to disqualify more students on the low end of the grade scale came only after other measures resulted in no improvement in the Bar passage rate.

Election.....From Page 1
improper interpretation was that it provided for the possibility that when a voter ranked him as 1st and Siroka 5th, that vote counted for Siroka even though the voter had ranked Siroka in the last possible place.

Rob Black, Chair of the Election Committee, countered by stating that the Committee had carried out a "strict and honest interpretation of the Constitution." In addition, Mieke Eoyang, 3L and outgoing ASUCH president, told the Law News that Marsh "ignored the very next clause of the Constitution" which states that the instant runoff process continues "until one candidate receives a majority" of the votes. Marsh's counterpoint was that if the instant runoff election process and the importance of ranking votes were made clear to the Hastings Community, once the instant runoff process resulted in two names, one of those candidates would automatically have a majority.

Marsh's second argument centered on the similarities between this year's election and the 2001 ASUCH election, in which the presidential candidacy was resolved by a runoff between candidates Mieke Eoyang and Minh Nguyen, 3L. Arturo Sandoval, 2L and next year's External Vice President,

"We tried the more positive, proactive approach and it didn't work," he said.

In the mid-1990s, Hastings created the Academic Support Program, which includes the Legal Analysis class designed to assist struggling 1Ls. The class helps students learn how to brief cases, outline courses and take exams. Although the Legal Analysis class appears to have enhanced students' legal education, there is no indication that it has helped students pass the Bar, Gray said. With this in mind, the Academic Standards Committee proposed making Legal Analysis optional, rather than mandatory, for students in the bottom 10 percent of their class. However, under the proposal, the Academic Dean may still direct a student to enroll if he determines that the student would benefit from the class.

Jan H. Kim, a 1L enrolled in Legal Analysis now, said making the class optional might hurt more students in the long run.

"If I'd had a choice, I would have chosen Moor Court. But in hindsight, I'm glad I took Legal Analysis," Kim said. "Legal Analysis shows students the ball that's been hidden from them... Making Legal Analysis optional may have perpetuated my downward spiral."

Kim said he is torn over the

spoke out in favor of a runoff election between Siroka and Marsh; he said that what happened this year is exactly what happened last year, and as such, a runoff election was the only fair way to resolve the issue. According to Marsh, the 2001 Presidency ended with a runoff election because Eoyang alleged that Nguyen placed a box of donuts near the ballot table and because he solicited votes on the beach, just outside where students cast their votes, both of which violated the rule prohibiting campaigning near the balloting table. Marsh alleged that such a situation was very similar to his claim that the ballot was flawed to such an extent that students' votes were not correctly counted.

Black objected to Marsh's

characterization of last year's election and its similarity to the 2002 election. He stated that the 2001 election resulted in a runoff election because of allegations of "voter manipulation" and, though he hesitated to use the word, "fraud." He stated that a significant difference between the two elections was that Marsh's complaints lack the allegations of voter manipulation and improper candidate conduct that characterized the 2001 presidential election. In addition, Black made that point that Eoyang, who lost the first election by 10 votes but won the runoff election by 170 votes, filed her complaints of misconduct before the votes were counted, suggesting that her complaint was driven by process and not by result.

2002 ASUCH Election Results For President

(195 needed for majority in first round)

By Round	First	Second	Third	Fourth	Fifth
Matthew Siroka	150	152	156	173	224
Christian Sun Kim	80	83	87	109	
Brad Marsh	79	83	92		
Bob Schwartz	55	55			
Steve Ngo	19				
Abstentions	15				

NOTE: There were a small number of write-ins.

proposed disqualification policy. On the one hand, he supports steps that may improve the school's reputation. On the other hand, he has spent a semester getting to know a lot of "high-caliber" students who are working hard to improve their grades.

"I'm not sure it will be such a good idea to cut them off when all they need is some guidance," he said.

Hastings' Associate Academic Dean, Shauna Marshall, has spent the past two years counseling students who find themselves on the verge of academic disqualification. She said the old policy of placing students on academic probation if their first-year GPA is between 1.8 and 2.0 gives them a needed cushion, and most bring their grades up the following year. However, there are also students who never improve and end up leaving Hastings at the end of their second year because they can't raise their GPAs above the required 2.0. In those students' cases, the old policy just postponed the inevitable.

Like the previous disqualification policy, the new policy permits students to petition for readmission. A committee comprised of two instructors and the Academic Dean will consider whether the problems that plagued the student in her first year are likely to continue or whether they resulted from an extraordinary event — such as the death of a family member.

Marshall said the discretion given to the disqualification committee acts as a failsafe in instances where an otherwise capable student simply had a bad year.

Gray said the new hard-line approach to disqualification is in Hastings' and the students' best interests.

"Bar passage is some measure of our success as a faculty. After all, most students are here to become lawyers," Gray said. "It does a disservice to students who are unlikely to pass the Bar and become lawyers to keep them here and take their money."

Additionally, Hastings faculty and administrators are concerned about how the school measures up when compared to Boalt, Davis, Stanford, UCLA and USC. In the past decade, Hastings' passage rate for first-time Bar takers has put it in fifth or sixth place with USC seven years out of 10. In fact, the study shows that Hastings students only do well when the Bar is easy, and they pass at lower rates when a relatively difficult examination is administered.

Jilions, the first-year student, pointed out that if Hastings is concerned about its reputation, its focus should be admissions standards rather than disqualification policies.

"We need to be a hell of a lot more selective about who we let into this school rather than who we're going to kick out."

Editorial

A Vision For The Future

This isn't about a revenue stream. This isn't about low-income housing for the homeless. This isn't about a secretive planning process. This isn't even about rankings. This is about Hastings' vision for the future. The parking lot at the corner of Larkin and Golden Gate is the last piece of contiguous property that Hastings is likely to ever own. Whatever we decide to build on that piece of property will determine the underlying purpose of the Hastings campus for years to come. Because there is no deadline forcing the project forward; because the financial and institutional basis for the project is uncertain; and because the resources that will need to be spent defending an almost certain suit against the project can be put to better use, the Board of Directors should not certify the Final Environmental Impact Report for the Parking Garage and Residential Upgrade.

The Financing:

First, in building the parking garage, the school is planning to spend approximately \$23,000,000 to create a positive revenue stream of \$947,173 per year for the first 30 years. That is a 4% return on the investment. That is not very good economics. To make the same \$947,173, Hastings need only admit an additional forty students per year. To make the same \$947,173, Hastings could sell the current lot (which is currently valued around \$9,000,000) and invest the money with a 10% annual return. These are opportunity costs that the administration is not considering.

Second, there appears to be a consensus that Hastings is going to be sued by a collection of non-profit community groups over the Final EIR. This suit will inevitably tie up the project for at least one year. More important than time, however, is the cost, in legal fees, of defending that suit. Hastings already spends too much money in legal fees as it is. The money would be better spent re-considering mixed-used alternatives, strengthening the EIR, and investing in a capital campaign that the 16,000 members of the Hastings Alumni can really get involved in.

Hastings is well below the national average in percent of alumni giving and even further below in amount per donor. Give the alumni something to believe in. Prove that the school is working to improve the quality of its education and the quality of its reputation. Donors can be convinced to give money to any number of things they feel will help the school. How about a new clinical programs office, a new moot court and trial ad theater, a rooftop garden and social center, a new student housing facility, a second reading room or a new auditorium and lecture hall? Donors will not want to give money to help build a parking lot.

Third, and most important, is the issue of a deadline. There is nothing to stop the administration and the Board of Directors from putting the project on hold to consider other options. The Dean has explicitly stated that the bond financing does not disappear after a certain date. There is nothing stopping us from stopping to consider the options and the potential ramifications of continuing with the current proposal.

The administration tells us that the planning process has been going on for three years. Public as the planning may have been, the Dean did not notify the students of the project (through a school-wide memo) until *Law News* reporters started asking questions about financing and project deadlines. That memo was released in November of 2001, two and one half years after the start of the project. There didn't seem to be any rush to publicize the project, so why are we rushing to approve it?

The Mission:

Once a school steps outside its educational mission, it is doing a disser-

ELECTIONS PAST....



vice to itself, its employees and its surrounding community. It is true Hastings is not and should not be in the business of providing low income housing for the community. There are other ways that Hastings can and does help out in the Tenderloin. Hastings, however, is also not in the business of operating parking garages for the community. Hastings is in the business of educating students to become lawyers.

It can only accomplish this mission by providing its students and itself with the best resources available. Give students a reason to come here. Give San Francisco residents a reason to come to the Tenderloin. A new student housing building will keep half the student body in this neighborhood. The increase foot traffic will bring new restaurants, bars, stores. Suddenly the neighborhood changes, jobs are created and people from other parts of the city begin to eat, shop, and drink near Hastings. What better way to serve the community?

A new academic complex will provide more marketability to our school. Students with stronger entering numbers will want to come to Hastings because of the new facilities. Campus tours to visiting students will actually have a campus to tour. The Dean says that Hastings attempts to raise its academic reputation rankings by sending brochures and notices to other law school deans about the current projects and programs at Hastings. A parking lot brochure, no matter how glossy, is not going to impress anybody.

In the end, it is simply a matter of being visionary. Do we want to instill in our students the sense that Hastings is nothing more than a commuter school? Or do we want to truly create a Hastings community? By only building a parking garage we will be reinforcing the notion that students should zip in, go to class and zip out, without ever taking a moment to realize that we have a vision for the future.

Letters to the Editor

A Response To The FEIR

"The project would not encourage sprawl..."

117 Hastings students signed a petition calling on the Board of Directors of Hastings to modify the proposed parking garage project in favor of a mixed-use alternative incorporating parking and housing. On April 3, 2002, ASUCH passed a resolution calling on the Board of Directors and Dean Mary Kay Kane to carefully reconsider the implications of proceeding with the parking garage project. On April 23, 2002, at 9:00 a.m., the Board of Directors of Hastings College of the Law will publicly convene to entertain comments prior to formally approving the parking garage.

Selected excerpts from UC Hastings College of the Law Parking Garage and Residential Upgrade Environmental Impact Report (FEIR) Response to Comments, April 12, 2002.

I. Conflict with State of California Smart Growth Policies.
The Smart Growth concept is intended to reduce or contain urban sprawl into undeveloped areas by focusing growth toward areas already served by city infrastructure, in order to conserve open space and protect environmental resources. Smart Growth principles primarily relate to the siting of state offices in central business districts. As the proposed project would be an infill project in a dense urban setting currently served by municipal infrastructure, the project

would not encourage sprawl and would meet some of the basic tenets of the Smart Growth concept. ...² Comment & Response (C&R) 1.6.

II. Compliance by Parking Garage Proposal with Governor's Executive Order for Smart Growth.
³ IT IS FURTHER ORDERED that sound and smart growth patterns shall receive maximum support consistent with the foregoing state priorities, including the following considerations:

1. "... proximity to public transit and needed infrastructure; ⁴ Proposed project would be located near public transit as noted in DEIR p.

III-19; DEIR Appendix A (Initial Study p. 35-36) documents that the proposed project would be served by existing utility infrastructure. C&R 17-19.

III. Pedestrian Safety
⁵ Additionally, vehicle/pedestrian accident data do not indicate that pedestrian safety conditions in the project vicinity are worse than in other areas of San Francisco. Table R-6
⁶ Intersections with the Highest Incidence of Vehicle/Pedestrian Collisions in San Francisco. (writer's comment - Of the thirteen intersections listed, six are within six blocks of the proposed parking garage site, totaling 69 vehicle/pedestrian collisions in 2000. The other seven intersections are distributed throughout San Francisco.) C&R 56-57.

Andrew Taylor, IL

lawyering.

The Community Lawyering vision for Hastings is a long term goal. But the first and necessary step is to integrate a community education into the Hastings curriculum so that every student is exposed to the legal, social and political issues in their community (Tenderloin, Mission, Civic Center, etc.), and also to foster long-term relationships, partnerships and collaboration with community groups. Ideally, this community service would be for voluntary and for credit. But if this is not possible, then the proposal is a mandatory community service requirement for nothing. Over four days 500 students have signed a petition calling for a mandatory community service program along these lines.

Recycling Program Corrections

With reference to the Law News article about recycling at Hastings, appearing in the March 18, 2002 edition, we offer the following corrections to the information contained therein.

It was reported in the article that the College has "no recycling system". In fact, for a number of years, the College has indeed actively recycled newsprint, books, cardboard, mixed paper and white paper. These items are collected from campus receptacles or deposited by operational units (such as the Purchasing Department) on a regular basis, sorted appropriately, and stored for pick-up by our recycling service provider.

Prior to the arrangement with our current recycling service provider, who does not charge the College for picking up the materials, the College paid a previous provider \$65 per pick-up for this service. It is estimated that the College's ongoing implementation of this existing program has reduced the College's annual refuse disposal volume by 35%, in turn reducing disposal costs by some \$18,000 annually. This savings would not free-up funding to defray the costs of program enhancements, since such amounts have already been incorporated into the budget framework for a number of years. Thus, this revenue cannot be earmarked, as suggested, as a new funding source through which net recycling costs might be offset. In addition, the College receives no revenues for the recycled material. It is also noted that the Purchasing Department spends less than 15% of its total supply budget on paper, rather

than the 50% figure quoted in the Law News article.

It was reported in the article that the majority of the College's copiers and printers do not have a two-sided copying function. In fact, virtually all of the College's full-size copiers (generating about 99% of the copy volume) located throughout the campus are equipped with the duplex (two-sided) function. A small number of convenience copiers without the duplex function are typically the very low volume desktop machines located in a number of staff offices.

As to printers, printer technology in general does not lend itself as readily to the duplexing function. Few printers, except for the most expensive high-end models, offer automatic duplexing as an option. Only a small number of such printers are needed to meet the College's overall operational needs.

Effective June 1, 2002 the College will begin to incorporate cans, plastic and glass into the existing program. Details of this program enhancement will be available during the week of April 15, 2002. We estimate that these items comprise less than 5% of our total waste volume. Although this level of trash reduction will be insufficient to generate any appreciable cost savings, and Hastings will receive no revenues for the recycled materials, this enhancement will contribute to the College's overall recycling program.

Tom Simms
Director, Administrative Services

A Mission Statement

This proposal offers a new vision for Hastings based on our greatest natural asset - our community. We do not have the resources to compete with Harvard. We do not have a huge undergraduate campus like Boalt or UCLA. But we do have within walking distance hundreds of the best public interest organizations. By extending our classrooms to the community we can create the greatest law school. This new vision is grounded in the recent trend of legal scholarship in the field of community lawyering, where Hastings can become the pioneer and leader. The first step is the construction of a Community Lawyering Center, which would run various programs in the field of community

What are the advantages of this proposal?

Advantage #1: Improving the Quality of Education at Hastings
Advantage #2: Improving Hastings' Rankings and Reputation
Advantage #3: Creating the Infrastructure for a Community Lawyering Center

PUBLIC SERVICE IS A LEGAL, PROFESSIONAL, AND ETHICAL RESPONSIBILITY.

1. Mandatory service is a recent and growing trend in all law schools. Tulane Law School started it in 1982. Dozens of law schools have since adopted mandatory service including: Columbia Law School, University of Pennsylvania Law School, and University of Washington Law School.

2. The ABA Model Rules on Professional Ethics call for at least fifty hours of pro bono work each year and describe that it "can be one of the most rewarding experiences in the life of a lawyer."

3. The ABA Calls for Law Schools to Implement Mandatory Service. "In 1996, the American Bar Association amended its accreditation standards to call on schools to 'encourage students to participate in pro bono activities and to provide opportunities for them to do so.' These revised ABA standards also encourage schools to address faculty pro bono obligations."

Eric Fogel, 3L
Outgoing ASUCH Internal Vice President

Congratulations

to the newly elected ASUCH Officers and
Representatives

Matthew Siroka, President
Deb Lagutaris, Internal Vice-President
Arturo Sandoval, External Vice-President
Mark Neiman, Director of Community Affairs
Roberto Saldana, Treasurer
Shafeeq Sadiq, Secretary

3L Representatives

Chiemi Suzuki, 3L Class President
Eileen Chauvet
Elil Shunmagavel
Malea Chavez
Riley Hurd
Clay Steward
Robert Schwartz
Noelle Roux
Douglas Brosnan
Shem Blum

2L Representatives

Oscar Acevedo
Erin Belka
Jean Paul Buchanan
Saleem Erakat
Miho Murai
Steve Ngo
Ross Pytlik
Blair Schlecter
Stephen Steinberg
Andrew Taylor

Thank You to all the 2001-2002 Officers and Representatives